

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

JONATHAN CHARLES HUGHES,

Plaintiff,

v.

AT&T, *et al.*,

Defendants.

Case No. 3:19-cv-00179-SLG-DMS

**ORDER RE FINAL REPORT AND RECOMMENDATION**

This is a Civil Rights action filed by self-represented prisoner Jonathan Hughes. In his Complaint at Docket 1, Mr. Hughes named several defendants in the case caption and additional defendants in the body of the case. At Docket 3, Mr. Hughes filed an Application to Waive the Filing Fee. At Docket 6, Mr. Hughes filed a Motion to Appoint Counsel.

The case has been referred to the Honorable Magistrate Judge Deborah M. Smith. At Docket 8, Judge Smith issued a Final Report and Recommendation in which she recommended that the Complaint at Docket 1 be dismissed without prejudice, the Application to Waive the Filing Fee be Docket 3 be deferred, and the Motion to Appoint Counsel be denied without prejudice. No objections to the Final Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge.”<sup>1</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>2</sup> But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation, and IT IS ORDERED that the Complaint at Docket 1 is DISMISSED without prejudice. IT IS FURTHER ORDERED that the Motion to Appoint Counsel at Docket 6 is DENIED without prejudice. The Application to Waive the Filing Fee at Docket 3 is DEFERRED. The Court notes that Mr. Hughes recently filed an Amended Complaint (Docket 9) that will be screened in due course.

DATED this 27th day of December, 2019 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

<sup>2</sup> *Id.*

<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).